

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:21-cr-00127

RAYMOND DUGAN

ORDER

Pending before the court is Raymond Dugan's Motion to Redact Additional Information. [ECF No. 149]. In his motion, Mr. Dugan requests "(1) the redaction of his middle name from all transcripts . . . and (2) the redaction of any part of the sentencing hearing transcript that pertains to medical and mental health information of non-parties." *Id.* at 3–4 (footnote omitted). For the reasons stated herein, Mr. Dugan's motion is **GRANTED in part** and **DENIED in part**.

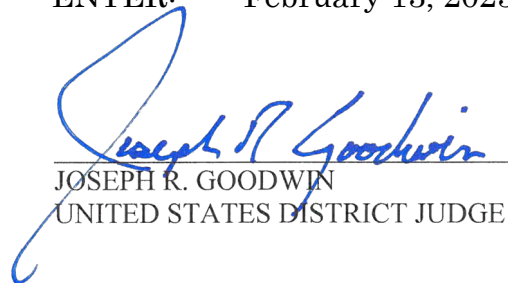
The public has a presumptive right to access judicial documents at common law and under the First Amendment. *United States v. Moussaoui*, 65 F. App'x 881, 885 (4th Cir. 2003). The right of access, however, "is not absolute" and must yield if "outweighed by competing interests." *Id.* at 886 (quoting *In re Knight Publ'g Co.*, 743 F.2d 231, 235 (4th Cir. 1984)). Federal Rule of Criminal Procedure 49.1(a) requires that certain private identifying information be redacted from court filings. "For good

cause,” the court may order the “redaction of additional information.” Fed. R. Crim. Proc. 49.1(e).

The information Mr. Dugan seeks to be redacted falls outside of the enumerated categories of Rule 49.1(a). Mr. Dugan must therefore show good cause for redacting portions of the transcripts. Here, I find that the privacy interests of innocent non-parties in their medical and mental health information outweighs the presumption of access. I cannot find, however, that Mr. Dugan’s interest in keeping his middle name private outweighs the public’s right of access. Accordingly, the court **ORDERS** only the redaction of any medical and mental health information of non-parties contained in the sentencing hearing transcript.

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: February 13, 2023



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE